Item # 3

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

DATE: August 10, 2004

TO: Orange County Planning Commission

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 04-0014 (Mountain Shadows) for a Site Development Permit.

PROPOSAL: A Site Development Permit to permit geological analysis to assess the soil properties with regard to future residential development in the "Upper Aliso Residential" District (UAR) of the Foothill / Trabuco Specific Plan. The project is identified as Mountain Shadows by the landowner and is known as the "Varshney" property within the Foothill / Trabuco Specific Plan.

LOCATION: 28015 Modjeska Grade Road, Modjeska Canyon – District 3

APPLICANT: Stonefield Development, Property Owner
Bill Phillips, PBR, Authorized Agent

STAFF CONTACT: John Buzas, (714) 834-5906
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SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA 04-0014, subject to findings and conditions.

BACKGROUND:

The project consists of a Site Development Permit to permit geological testing to assess the soil properties with regard to future residential development in the UAR – "Upper Aliso Residential" District of the Foothill / Trabuco Specific Plan. The project site, located at 28015 Modjeska Grade Road, in Modjeska Canyon, is subject to the guidelines and requirements of the Foothill/Trabuco Specific Plan. The Specific Plan was adopted by the Orange County Board of Supervisors on December 9, 1991 as the planning and zoning document for the Foothill/Trabuco area and went into effect January 9, 1992 (County Ordinance No. 3851). A goal of the Plan is to preserve the rural character and unique natural resources of the area, while still allowing landowners a reasonable opportunity to develop their properties. The Specific Plan replaces conventional zoning districts with specific land use districts, which are supported by additional regulations and guidelines.

The project site is approximately 100 acres and lies within the Upper Aliso Residential (UAR) District, which requires Planning Commission approval of a discretionary permit for any grading activity, including geological testing as proposed. The subject site is identified as Assessor Parcel Nos. 866-032-12. The property currently consists of very little disturbance. The disturbances on-site are limited to

historic access roads and trails and evidence of a previous fire within the southeastern corner of the property. The majority of the property is densely vegetated with chaparral and sage scrub habitats and consists of steep hillsides and drainage ravines with prominent ridgelines along the northern and eastern boundaries.

Grading activities within the Foothill/Trabuco Specific Plan (FTSP) area is subject to in-depth analysis for consistency with regulations of the FTSP and environmental impacts. The proposed geotechnical testing will provide an understanding of site stability and establish design parameters for the Area Plan conceptual grading plan development in concert with the restrictions contained within the policies and regulations of the FTSP.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:
A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 6 County Divisions, the Foothill Trabuco Specific Plan Review Board and the Rural Canyon Conservation Fund.

On March 12, 2004 the Foothill Trabuco Specific Plan Review Board (FTSPRB) reviewed and recommended approval of the proposed project. Members of the FTSP Review Board held lengthy discussion regarding the application and the site development issues. Following the discussions, the project was recommended for approval with a vote of four in favor and none opposed. Action minutes from the March 12, 2004 meeting are included in the attachments to this report. The recommendation by the Foothill Trabuco Specific Plan Review Board included a recommended condition of approval that would stipulate any material changes to the proposal be processed through a supplemental application that would be reviewed by the FTSPRB.

The plans were also provided to Rural Canyon Conservation Fund for review and comment on February 13, 2004. As of the writing of this report, staff has not received comments from RCCF.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

CEQA COMPLIANCE:
A Mitigated Negative Declaration (MND) was prepared for the proposed Mountain Shadows project, to facilitate an objective assessment of potential environmental impacts. Project impacts were analyzed consistent with CEQA Guidelines and County procedures. Staff concluded that the subject MND adequately addressed the project's potential impacts. Specifically, the Initial study concluded that, in light of the complete record before the agency, there is no substantial evidence that the proposed project will have a significant effect on the environment. Although the project could result in significant impacts on hydrology and water quality, noise, biological resources and cultural resources as a consequence of the temporary construction and grading activities, mitigation measures have been applied to reduce these impacts to below a level of significance. Additionally, the Initial Study concluded that none of the conditions described in Section of 15064 of the CEQA Guidelines calling for preparation of an EIR have occurred. For these reasons, Environmental Planning Staff concluded that an MND was the appropriate document to ensure compliance with CEQA. A recommended finding to this effect is found in Appendix A of this report.

ANALYSIS:
The proposed geotechnical analysis is to assess the soil properties and stability of the site with regard to future residential development. The Current Planning application, PA 04-0014, is preceding any technical review of the proposed Area Plan, a conceptual plan of development, filed under Planning Application PA 03-0065 that is currently incomplete. The geotechnical analysis is proposed to assist in the systematic engineering of the preliminary design of a conceptual grading plan as a part of the Area Plan that will be subject to detailed review in the future.

Geologic Conditions
Surficial units consisting of minor landslide deposits, topsoil colluvium, and local areas of artificial fill mantle the site. The bedrock unit, which underlies the site, is the Santiago Formation. In general, the borings are proposed in areas of shallow colluvium overlying bedrock and/or landslide debris. The bedrock consists of relatively hard, massive sandstone with occasional silt and weak clay beds. Bedding is anticipated to dip consistently to the west.

Proposed Investigation Plans
Two plans have been prepared to accompany this submittal, the first plan is a 100-scale photograph with a topographic overlay (Exhibit 7), which shows the locations of proposed geotechnical borings, trenches, drill rig pads and access routes. The second plan (Exhibit 6), is a 40-scale rough grading plan of selected areas where grading is necessary to create access roads and drill rig pads. The 40-scale exhibit also includes representative cross-sections of selected cut and fill areas, and a comprehensive erosion and sediment control program. A biological assessment prepared by PCR Services Corp. (Exhibit 5) also accompanies the proposal, and provides a detailed resource impact analysis of the disturbance associated with the proposed borings, trenches, drill rig pads and access roads.

The proposed investigation includes eight (8) large diameter borings and eight (8) backhoe trenches. Five (5) of the borings are accessible along existing dirt access roads. For these road and drill pad areas, there may be light brushing and filling in of road ruts and potholes. Geofabric will be placed on the ground to cover the existing vegetation where drill hole stockpiles of dirt are proposed in order to minimize the impact to the root zone of existing plants.

There are three (3) borings that require cut and fill grading to improve access roads for the proposed investigation. The cut and fill grading is primarily in the northern portion of the site to create access and drill pads for Borings 1, 2 and 8. In addition, although accessible via existing roads with minor brushing, the pad areas for the drill rig sites of Borings 6 and 7 will require minor grading of 1-2 feet of cut and fill as noted on the plans. There are also two small recently created gully crossings that are not clearly defined on the plan topography but will require crossing to access the site and proposed boring locations. The first gully crossing is narrow enough that it can be bridged with steel trench plates. A second gully is approximately 20 feet wide and up to 13 feet deep and is located between Borings 2 and 3. Prior to filling of this gully, as proposed, a geofabric should be laid down to help preserve the root structure of the native vegetation. Details of required jurisdictional agency permit requirements for the crossings are discussed in a later section of the report.

The depth of cuts for the access roads and drill rig pads are estimated to be a maximum of 10 feet and the maximum height of cut slope approximately 10 feet. The maximum estimated fill depth is approximately 12 feet with a maximum fill slope height of 10 feet. The grading plan provides further details of cuts and

fills which range from 0 to 5 feet and 6 to 10 feet in depth, along all graded segments of access roads and drill rig pads. Cut slopes are at proposed gradients of up to 1:1 . Fill slopes are proposed at a maximum 2:1 gradient. The pad areas for the drill sites will be approximately 15 to 20 feet wide and 50 feet long.

Grading for the access roads and drill rig pads will involve moving approximately 880 cubic yards of earth for the geotechnical investigation project. These earthwork quantities are summarized on the Grading Plan (Exhibit 6) and are broken down into segments including drill rig pads and access roads. The proposed cuts will expose relatively hard massive sandstone, which is not highly susceptible to erosion. As added protection during the period immediately after construction and during drilling, all exposed cut and fill slopes, as well as flat road and pad areas will be applied with jute mesh or spray on protectors/surface tackefiers or equivalent to ensure soil retention and protect against erosion.

In addition to the proposed borings, one day of excavating exploratory trenches is proposed. The trenches will be approximately 15 feet long and roughly 30-inches wide. Maximum excavation depth will be approximately 10 feet. Once logging is completed (approximately ½ hour per trench), the trenches will be backfilled with native soils to original grades.

Drilling of borings and construction of access roads is anticipated to begin concurrently. Approximately two (2) weeks are anticipated to complete the proposed investigation. The areas of proposed grading will be restored to their original grades, and it is anticipated to occur once the geotechnical investigation is completed. Reconstruction to original grades can occur as the geotechnical investigation for a particular area is completed and the access road is no longer needed. Therefore, the entire process is anticipated to be completed in approximately 3 weeks.

Impacts to Resources on-site
Exhibit 5 provides a copy of the assessment to biological resources within the project area. In summary, the eight (8) proposed boring locations and eight (8) proposed trench locations would impact approximately 0.81 acre of plant communities due to grading and 0.83 acre of plant communities due to trampling within the property. Boring locations, including associated drill rig pads, and trench locations will impact 0.40 acre; including 0.20 acre of coastal sage scrub communities, 0.06 acre of chaparral communities, 0.11 acre of grassland communities, 0.01 acre of woodland communities, and 0.02 acre of disturbed area.

Portions of the access roads will require either 5 or 10 feet of cut and fill grading. Areas of grading will impact an additional 0.41 acre; including 0.12 acre of coastal sage scrub communities, 0.07 acre of chaparral communities, 0.06 acre of grassland communities, 0.12 acre of oak woodland communities, and 0.04 acre of disturbed area.

From the totals above, the proposed Geotechnical Testing will impact a total of 0.32 acres of coastal sage scrub communities. This includes one coastal sage scrub association, sagebrush-black sage scrub. The proposed boring and trench locations would impact approximately 0.2 acres and the proposed grading for a portion of the access road would impact 0.12 acres.

Temporary impacts to plant communities will occur along existing access roads in the form of trampling/minor brushing by heavy machinery to access boring and trench locations. Approximately 1,800 linear feet of existing access roads throughout the western portion of the site will be impacted this way. Areas of trampling along access roads total 0.83 acre. The soils will not be disturbed and the plants

will not be removed. No permanent impacts are expected in these areas. All areas of proposed grading will be restored to the original grade and revegetated with species appropriate to the plant community once the investigation work is completed. A biological monitor will be present to determine the precise placement of boring and trench locations and ensure the minimization of impacts to sensitive plant and wildlife species.

Potential impacts to oak woodlands have been identified within the biological assessment to occur in the vicinity of mapped oak woodlands. However, direct impacts to individual coast live oak trees are not anticipated. The majority of the access roads mapped within the oak woodland plant community are aligned to avoid direct impacts to coast live oak trees. Similarly, the trench locations mapped within oak woodlands are at the edges of the woodlands and would avoid direct impact to trees. Boring and trench locations can be modified slightly while in the field during the investigation to ensure the protection of individual oak trees, including their canopy and root zone. A certified arborist will be present during the geotechnical investigation to provide guidance and to ensure the protection of oak trees.

Due to the use of existing ranch roads and the temporary nature of the impacts, the proposed geotechnical investigation is not expected to permanently alter wildlife movement patterns within the project site.

Resource Agency permits
The property is within the Central/Coastal Natural Communities Conservation Plan (NCCP). Due to the absence of the coastal California Gnatcatcher during protocol surveys conducted by the biologist in the Spring of 2003 and 2004, the property is assumed unoccupied and mitigation for impacts to coastal sage scrub will include revegetation as mentioned.

Access to the proposed boring and trench locations will require three crossings of jurisdictional drainages. Crossing 1 is proposed to be completed with the placement of trench plates. Therefore, no impacts are expected to occur within Army Corp of Engineers (ACOE), Regional Water Quality Control Board (RWQCB) or California Department of Fish and Game (CDFG) jurisdictional areas. Crossing 2 cannot be completed with the same trench plate exercise due to the width of the drainage channel. Therefore, approximately 50 linear feet of the drainage is proposed to be temporarily filled to create a crossing. This action would impact approximately 90 square feet (0.002 acre) of ACOE jurisdictional waters and 740 square feet (0.017 acre) of CDFG jurisdictional streambed. Crossing 2 requires authorization from ACOE, CDFG and RWQCP prior to any activities the affect this drainage channel. Once the geotechnical investigation is complete in this area of the property the fill will be removed from the drainage area and the drainage will be restored to pre-project conditions. Crossing 3 occurs where an existing road already crosses this drainage. The geotechnical investigation access plan will utilize this road; therefore, no impacts are expected to occur within Army Corp of Engineers jurisdiction for the crossing. Due to the temporary trampling and minor brushing of the edges of habitat within CDFG jurisdiction, notification must be sent to CDFG describing the nature of the impacts for a determination and authorization prior to initiation of any activities in this area for Crossing 3.

Restoration and Recontouring
Recontouring of all graded areas to original/natural grades according to approximate pre-construction topography will occur immediately upon completion of the geotechnical investigation. Where practical, restoration can occur in areas where drilling has been completed and access roads are no longer needed, and while drilling is occurring in other areas. All areas impacted by grading, including recontoured areas, will be reseeded with native vegetation as soon as practical to reduce the potential erosion of soils.

SUMMARY:
The proposed geological testing is a logical first step in determining the practicality of development potential and limitations of a particular project site. The geological composition of the site is a major factor in determining the locations for roads, building sites, and infrastructure. By completing geological testing and analysis in the earliest stage of the project development, remedial grading limits, limits of project grading, and volumes of grading proposed can be more precisely established parameters in project design. The scope of geological testing as outlined in this report will afford the applicant the information and analysis to design a project that is fundamentally sound with the geology of the site. Consequently, the subsequent Area Plan preparation will be afforded the ability to provide tested limits of disturbance and greater detail for conceptual grading design. Additionally, as soon as practical following the completion of the geotechnical investigation, all graded areas will be recontoured and revegetated to pre-existing conditions.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

a. Receive staff presentation and public testimony as appropriate; and,

b. Adopt Negative Declaration No. PA 040014, as recommended, finding it complete and adequate to satisfy compliance with CEQA; and,

c. Approve PA 04-0014 for geological testing subject to the attached draft resolution and draft findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current Planning Services

ATTACHMENTS:

Appendix A. Recommended Findings
Appendix B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Project Proposal Summary
2. Environmental Documentation– Negative Declaration IS-PA040014 (Planning Commission Only)
3. Foothill/Trabuco Specific Plan Review Board Minutes–March 12, 2004 (Planning Commission Only)
4. Proposed Geological Investigation Scope of Work (Planning Commission Only)
5. Biological Resource Assessment (Planning Commission Only)
6. 40-scale Erosion, Sediment Control and Grading Plan (Planning Commission Only)

7. 100-scale site photograph with topographic overlay and geotechincal boring and access road locations (Planning Commission Only)

APPEAL INFORMATION:
Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of $760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.